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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,142	08/03/2001	Yong Yan	US 010358	7434
24737	7590	10/20/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/922,142

Applicant(s)

YAN, YONG

Examiner

Allen Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see decision by Board of Appeals, filed 5/4/06, with respect to the rejection(s) of claim(s) 1, 11 and 20 under Chen (6,208,693) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hibi (5,886,742).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 10, 11, 13, 15, 20, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hibi (5,886,742).

Regarding claim 1, Hibi discloses a video object encoding system, comprising:  
an object evaluation system that evaluates a video object using a predetermined criterion (see abstract, Hibi discloses that an effective-area selecting portion selects a valid or invalid mask depending upon a position of a processable object; further, in col.32, ln.66 to col.33, ln.9, Hibi discloses the effective area selection portion 231 for effectively evaluating the video object based on the position on the control grid used for evaluating a portion of the inputted image; and in col.35, ln.10-27, Hibi discloses the use of variable-size processable areas, where the control grid points are set for each

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unit area of 16x16 pixels or 8x8 pixels, for evaluating the video object or processable object dependent upon the position within the processable area using a predetermined criterion, ie. motion vectors); and

a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object (fig.23 and col.35, ln.10-37; Hibi discloses using plural mask types, as evidenced by the generation of mask 1, 2, 3, etc., and that these "effective-area selecting masks" apply plural mask types for effective area selection of the video object during the evaluation of video objects dependent on the position of each processable area by using the selective mask, wherein the processable area is variable for implementation during the evaluation of the video object).

Regarding claims 3, 13 and 22, Hibi discloses wherein the predetermined criterion examines a shape of the video object (col.42, ln.57-67).

Regarding claims 5, 15 and 24, Hibi discloses wherein the predetermined criterion examines motion information regarding the video object (col.35, ln.10-27).

Regarding claim 10, Hibi discloses MPEG-4 (col.3, ln.56-58).

Regarding claim 11, Hibi discloses a program product stored on a recordable medium, which when executed, encodes video objects, the program product comprising:

program code configured to evaluate a video object using a predetermined criterion (see abstract, Hibi discloses that an effective-area selecting portion selects a valid or invalid mask depending upon a position of a processable object; further, in

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col.32, ln.66 to col.33, ln.9, Hibi discloses the effective area selection portion 231 for effectively evaluating the video object based on the position on the control grid, ie. predetermined criterion, used for evaluating a portion of the inputted image; and in col.35, ln.10-21, Hibi discloses the use of variable-size processable areas, where the control grid points are set for each unit area of 16x16 pixels or 8x8 pixels, for evaluating the video object or processable object dependent upon the position within the processable area); and

program code configured to generate one of a plurality of mask types for the video object based on the evaluation of the video object (fig.23 and col.35, ln.10-37; Hibi discloses using plural mask types, as evidenced by the generation of mask 1, 2, 3, etc., and that these "effective-area selecting masks" apply plural mask types for effective area selection of the video object during the evaluation of video objects dependent on the position of each processable area by using the selective mask, wherein the processable area is variable for implementation during the evaluation of the video object).

Regarding claim 20, Hibi discloses a method for encoding video objects in an object based video communication system, comprising the steps of:

evaluating a video object using a predetermined criterion (see abstract, Hibi discloses that an effective-area selecting portion selects a valid or invalid mask depending upon a position of a processable object; further, in col.32, ln.66 to col.33, ln.9, Hibi discloses the effective area selection portion 231 for effectively evaluating the video object based on the position on the control grid, ie. predetermined criterion, used

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for evaluating a portion of the inputted image; and in col.35, ln.10-21, Hibi discloses the use of variable-size processable areas, where the control grid points are set for each unit area of 16x16 pixels or 8x8 pixels, for evaluating the video object or processable object dependent upon the position within the processable area); and

generating one of a plurality of mask types for the video object based on the evaluation of the video object (fig.23 and col.35, ln.10-37; Hibi discloses using plural mask types, as evidenced by the generation of mask 1, 2, 3, etc., and that these "effective-area selecting masks" apply plural mask types for effective area selection of the video object during the evaluation of video objects dependent on the position of each processable area by using the selective mask, wherein the processable area is variable for implementation during the evaluation of the video object).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 7-9, 12, 14, 17-19, 21, 23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibi (5,886,742) in view of Chen (6,208,693).

Regarding claims 2, 12 and 21, Hibi discloses wherein the plurality of mask types includes a pixel-based mask (col.35, ln.10-35). Hibi does not specifically disclose a

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bounding box mask, and a macroblock-based mask. However, Chen teaches the use of a bounding box mask (col.7, ln.11-12), and a macroblock-based mask (col.7, ln.23-30). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claims 4, 14 and 23, Hibi does not specifically disclose wherein the predetermined criterion examines a texture of the video object. However, Chen discloses the predetermined criterion examines a texture of the video object (col.4, ln.28-32). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claims 7 and 17, Hibi does not specifically disclose wherein the predetermined criterion includes whether an area of the video object shape is substantially similar to an area of a generated bounding box. However, Chen discloses wherein the predetermined criterion includes whether an area of the video object shape is substantially similar to an area of a generated bounding box (col.7, ln.11-21 and fig.3). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claims 8 and 18, Hibi does not specifically disclose wherein the predetermined criterion includes whether an area of a macroblock-based shape generated for the video object is substantially similar to the area of the generated

bounding box. However, Chen discloses the video object encoding system of claim 7, wherein the predetermined criterion includes whether an area of a macroblock-based shape generated for the video object is substantially similar to the area of the generated bounding box (col.7, ln.11-21 and fig.3). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claims 9 and 19, Hibi does not specifically disclose wherein the predetermined criterion includes whether the area of a macroblock-based shape is larger than the area of the video object shape. However, Chen teaches wherein the predetermined criterion includes whether the area of a macroblock-based shape is larger than the area of the video object shape (col.7, ln.11-21 and fig.3). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claim 26, Hbi does not specifically disclose wherein the evaluating step includes: generating a bounding box; and determining if an area of the object shape is substantially similar to an area of the generated bounding box. However, Chen discloses the method of claim 22, wherein the evaluating step includes: generating a bounding box (col.7, ln.11-12); and determining if an area of the object shape is substantially similar to an area of the generated bounding box (col.7, ln.11-21 and fig.3). Therefore, it would have been obvious to combine the teachings of Hibi and



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Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claim 27, Hibi does not specifically disclose wherein the evaluating step includes: generating a macroblock-based shape; and determining whether an area of the macroblock-based shape is substantially similar to the area of the generated bounding box. However, Chen discloses wherein the evaluating step includes generating a macroblock-based shape (col.7, ln.11-21 and fig.3); and determining whether an area of the macroblock-based shape is substantially similar to the area of the generated bounding box (col.7, ln.11-21 and fig.3). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Regarding claim 28, Hibi does not specifically disclose wherein the evaluating step includes determining whether the area of a macroblock-based shape is larger than the area of the object shape. However, Chen discloses wherein the evaluating step includes determining whether the area of a macroblock-based shape is larger than the area of the object shape (col.7, ln.11-21 and fig.3). Therefore, it would have been obvious to combine the teachings of Hibi and Chen as a whole for accurately, efficiently encode image data while improving maintain high image quality (col.2, ln.66 to col.3, ln.2).

Claims 6, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibi (5,886,742) in view of Sekiguchi (6,611,628).

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Regarding claims 6, 16 and 25, Hibi does not specifically disclose a system, a program product and method wherein the predetermined criterion includes whether the video object shape is substantially circular. However, Sekiguchi teaches a system where the substantial roundness or circularity of a video object shape can be determined (col.14, ln.54-59). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate Sekiguchi's teaching into the system of Hibi for efficiently encoding of image features in an accurate, high quality manner (Sekiguchi col.2, ln.19-22).

#### ***Contact Information***

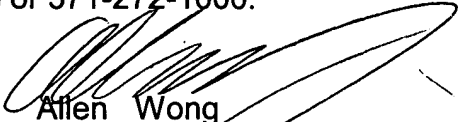
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


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